

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of

YAMAMURA et al.

Application Number: 10/607,050

Filed: June 27, 2003

For: EVALUATION METHODS OF INTERFERON β TREATMENT AGAINST MULTIPLE SCLEROSIS

Attorney Docket No. NITT.0144

Examiner Marina I. Miller

) Art Unit 1631

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

COVER LETTER

Sir:

[x] The fee for submission of claims is calculated as shown below:

| FOR | TOTAL WITH NEW CLAIMS ADDED | TOTAL CURRENTLY ON FILE | CLAIMS ALREADY PAID | RATE | CALCULATION |
|---|-----------------------------------|-------------------------------|---------------------------|---------|-------------|
| Total Claims | 6 | 6 | XXX (Over 20) | x \$50 | 0 |
| Independent Claims | 2 | 2 | XXX (Over 3) | x \$200 | 0 |
| MULTIPLE DEPENDENT CLAIM(S) | | | | + \$360 | 0 |
| REDUCTION FOR FILING BY SMALL ENTITY (note 37 C.F.R. §§ 1.9, 1.27, 1.28). | | | | x ½ | |
| | | | TOTAL | | 0.00 |

In addition, the below-identified communications are submitted in the above-captioned application or proceeding:

- Response to Office Action
(with Claim Election)
- Substitute Specification
- Preliminary Amendment
- Information Disclosure Statement

- Petition for Extension of Time
- Terminal Disclaimer
- Letter to Draftsperson w/ sheets of replacement drawings
- Other _____

Please charge my **Deposit Account Number** _____ in the amount of _____ to cover the fees for _____. A duplicate copy of this paper is enclosed.

A check in the amount of **\$0.00** to cover the _____ fee is enclosed.

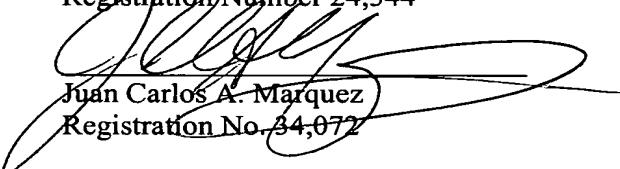
The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to **Deposit Account Number 08-1480**.

Respectfully submitted,

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January 23, 2006



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**Honorable Assistant Commissioner
for Patents
Alexandria, VA 22313-1450**

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Office Action mailed on December 21, 2005, the period of response to which is set to expire on January 23, 2006, requiring Applicants to elect a single invention and a species for Examination on the merits. Applicants hereby provisionally elect, with traverse, the invention of Group I (Claims 1-3) drawn to a method for evaluating interferon treatment. Further, Applicants provisionally elect Species A gene IFIT4, Species B, gene IRF7, Species C, gene SCYA2, Species D, gene IL4, and Species E, gene TGF4. Species A to E are readable on all claims.

Applicants understand that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of the claims. Applicants also understand that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group. Applicants further reserve the right to file one or more divisional applications directed to the non-elected invention(s) should this restriction requirement be made final.